

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No. 169423
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-911

13 **JULIA GRACE KORSUNSKY**
77 Paloma Ave. #25
Pacifica, CA 94044

A C C U S A T I O N

14 **Registered Nurse License No. 665203**
15 **Public Health Nurse Certificate No. 69626**
16 **Nurse Practitioner Certificate No. 19796**
Nurse Practitioner Furnishing Certificate
No. 19796

17 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about September 8, 2005, the Board of Registered Nursing issued Registered
26 Nurse License Number 665203 to Julia Grace Korsunsky (Respondent). The Registered Nurse
27 License was in full force and effect at all times relevant to the charges brought in this Accusation
28 and will expire on July 31, 2013, unless renewed.

3. On or about November 21, 2005, the Board of Registered Nursing issued Public Health Nurse Certificate Number 69626 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on July 31, 2013, unless renewed.

4. On or about May 18, 2010, the Board of Registered Nursing issued Nurse Practitioner Certificate Number 19796 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on July 31, 2013, unless renewed.

5. On or about June 8, 2012, the Board of Registered Nursing issued Nurse Practitioner Furnishing Certificate Number 19796 to Respondent. The Nurse Practitioner Furnishing Certificate was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on July 31, 2013, unless renewed.

JURISDICTION

6. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

7. Code section 118, subdivision (b), states:

The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.

8. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or

1 to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
2 Board may renew an expired license at any time within eight years after the expiration.

3 STATUTORY PROVISIONS

4 10. Code section 490 provides, in part, that a board may suspend or revoke a license on
5 the ground that the licensee has been convicted of a crime substantially related to the
6 qualifications, functions, or duties of the business or profession for which the license was issued.

7 11. Code section 2761 states, in part:

8 The board may take disciplinary action against a certified or licensed nurse or
9 deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the
11 following:

12 (1) Incompetence, or gross negligence in carrying out usual certified or
13 licensed nursing functions.

14 REGULATORY PROVISION

15 12. California Code of Regulations, title 16, section 1442, states:

16 As used in Section 2761 of the code, "gross negligence" includes an extreme
17 departure from the standard of care which, under similar circumstances, would have
18 ordinarily been exercised by a competent registered nurse. Such an extreme departure
19 means the repeated failure to provide nursing care as required or failure to provide
20 care or to exercise ordinary precaution in a single situation which the nurse knew, or
21 should have known, could have jeopardized the client's health or life.

22 COST RECOVERY

23 13. Code section 125.3 provides, in part, that the Board may request the administrative
24 law judge to direct a licentiate found to have committed a violation or violations of the licensing
25 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
26 case, with failure of the licentiate to comply subjecting the license to not being renewed or
27 reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a
28 stipulated settlement.

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FACTUAL STATEMENT

14. On or about August 14, 2006, the Santa Clara County Public Health Department in San Jose, California, hired Respondent as a public health nurse.

15. The Santa Clara County Public Health Department conducted an audit of Respondent's caseload through March 16, 2011. The audit revealed that Respondent committed the following acts:

a. PATIENT 1A¹: On or about September 20, 2010, Respondent's calendar and Time Off/Destination Daily log sheet (log sheet) indicated a home visit to Patient 1A. However, Respondent did not document the home visit and the nursing assessment of Patient.

b. PATIENT 1B: On or about September 20, 2010, Respondent's calendar and log sheet indicated a home visit to Patient 1B. However, Respondent did not document the home visit and the nursing assessment of Patient 1B.

c. PATIENT 2A: On or about September 21, 2010, Respondent's calendar and log sheet indicated a home visit to Patient 2A. However, Respondent documented that the home visit was unsuccessful (claiming that the patient was not home when she arrived for the visit). Patient 2A reported that Respondent failed to show for three scheduled home visits.

d. PATIENT 2B: On or about September 21, 2010, Respondent's calendar indicated a home visit to Patient 2B. It was not until on or about January 6, 2011, that Respondent documented the visit as unsuccessful and submitted a mileage claim. Respondent made changes to the case file after it was closed on November 17, 2010.

e. PATIENT 4A: On or about September 30, 2010, Respondent's calendar indicated a home visit to Patient 4A, however, on that same day, Patient 4A canceled the appointment and Respondent called in sick. It was not until on or about January 6, 2011, that Respondent documented that the home visit was unsuccessful and submitted a mileage claim. Respondent made changes to the case file after it was closed on November 15, 2010.

¹ All patients are identified by letters or numbers in order to preserve patient confidentiality. The medical record numbers of these patients will be disclosed pursuant to a request for discovery.

1 f. PATIENT 8A: On or about October 7, 2010, Respondent's calendar and log sheet
2 indicated a home visit to Patient 8A. On or about October 7, 2010, another nurse documented
3 that she cancelled the home visit but on or about January 7, 2011, Respondent changed the entry
4 and, instead, documented that the home visit was unsuccessful and submitted a mileage claim.
5 Respondent made changes to the case file after it was closed on December 6, 2010. Respondent
6 changed another nurse's documentation.

7 g. PATIENT 14A: On or about November 4, 2010, Respondent's calendar indicated a
8 home visit to Patient 14A. It was not until on or about January 7, 2011, that Respondent
9 documented that the home visit was unsuccessful and submitted a mileage claim. On or about
10 November 16, 2010, Respondent's calendar indicated a home visit to Patient 14A. On or about
11 February 3, 2011, Respondent documented that the home visit was unsuccessful and submitted a
12 mileage claim. Respondent made changes to the case file after it was closed. Patient 14A
13 reported that Respondent failed to show up for all three of the home visits.

14 h. PATIENT 18A: On or about November 16, 2010, Respondent's calendar indicated a
15 home visit to Patient 18A. It was not until on or about February 3, 2011, that Respondent
16 documented that the home visit was unsuccessful and submitted a mileage claim. Respondent
17 made changes to the case file after it was transferred to another Personal Health Nurse on January
18 18, 2011.

19 i. PATIENT 22A: On or about November 22, 2010, Respondent's calendar indicated a
20 home visit to Patient 22A. Respondent submitted a mileage claim, however, Respondent called in
21 sick on November 22, 2010.

22 j. PATIENT 24A: On or about November 29, 2010, Respondent's calendar and log
23 sheet indicated a home visit to Patient 24A. On or about May 3, 2010, the patient discontinued
24 the home visit services and the case file was closed.

25 k. PATIENT 27A: On or about December 2, 2010 Respondent's calendar and log sheet
26 indicated a home visit to Patient 27A. However, the client reported that Respondent never made
27 a home visit.
28

1. PATIENT 31A: On or about December 20, 2010, Respondent's calendar and log sheet indicated a home visit to Patient 31A. However, Respondent did not document the home visit and the nursing assessment of Patient 31A.

m. PATIENT 31C: On or about December 20, 2010, Respondent's calendar and log sheet indicated a home visit to Patient 31C. However, Respondent did not document the home visit and the nursing assessment of Patient 31C. Respondent did document a "first home visit" on or about July 22, 2010. Patient 31C's grandmother stated that Respondent only saw Patient 31C once, with no plans of further visits, and never received treatment from Respondent.

n. PATIENT 31D: On or about December 20, 2010, Respondent's calendar and log sheet indicated a home visit to Patient 31D. However, Respondent did not document the home visit and the nursing assessment of Patient 31D. The father of Patient 31D stated that Respondent provided treatment one time and never spoke to him again.

16. On or about March 21, 2011, Respondent resigned from the Santa Clara County Public Health Department.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Gross Negligence)

17. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), of the Code for unprofessional conduct, as defined by California Code of Regulations, title 16, section 1442, in that she committed acts of gross negligence in carrying out her usual certified or licensed nursing functions. Specifically, as more particularly set forth in paragraphs 14 through 16, above, she repeatedly failed to provide nursing care and patient follow-up care that could have jeopardized the patients' health or life.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Incompetence)

18. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), of the Code for unprofessional conduct, as defined by California Code of Regulations, title 16, section 1443 and 1443.5, in that she failed to exercise the degree of learning, skill, care, and experience ordinarily possessed and exercised by a competent registered nurse. Specifically, as

1 more particularly set forth in paragraphs 14 through 16, above, she failed to document clearly all
2 patient visits, communication, teaching, and interventions during or shortly after an interaction
3 with the patients.

4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
6 Accusation and that, following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 665203, issued to Julia
8 Grace Korsunsky;

9 2. Revoking or suspending Public Health Nurse Certificate Number 69626, issued to
10 Julia Grace Korsunsky;


11 3. Revoking or suspending Nurse Practitioner Certificate Number 19796, issued to Julia
12 Grace Korsunsky;

13 4. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 19796,
14 issued to Julia Grace Korsunsky;

15 5. Ordering Julia Grace Korsunsky to pay the Board of Registered Nursing the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 125.3; and

18 6. Taking such other and further action as deemed necessary and proper.

19 DATED: April 15, 2013

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21 LOUISE R. BAILEY, M.ED., RN
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant

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